

REMARKS

Claims 1-22 are pending. Claims 1, 3-6, 8-11, 12, 14-17, and 19-22 are rejected under 35 U.S.C. §102(e) as being anticipated by Dozier (US 5,870,552). Claims 2 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dozier in view of Henderson (US 5,550,976). Claims 12-22 are also rejected under 35 U.S.C. §101 as being directed towards non-statutory subject matter.

Regarding the §101 rejection, independent claim 12 has been amended to recite “computer-readable means associated with said database means” and means for indexing an entry in “in said computer-readable means”. It is respectfully submitted that the recitation of computer-readable medium associated with a database and means for indexing an entry in the computer-readable medium constitutes statutory subject matter. It is respectfully requested that this rejection be removed.

Without admitting the propriety of the instant rejection, or that the cited references are indeed prior art, Applicant has submitted a declaration under 37 CFR 1.131 to swear behind the Dozier reference relied upon by the Examiner.

The attached declaration of Ralph Wesinger, a named co-inventor of the pending application, shows that the instant invention as claimed was reduced to practice prior to the earliest effective date of the Dozier reference.

The attached declaration shows that Mr. Wesinger conceived of the idea for a web site having the functionality as presently claimed at least by Nov. 26, 1994. The site was live and functional at least by May 12, 1995.

The attached declaration also shows that from conception, Mr. Wesinger exercised due diligence in reducing the invention to practice as evidenced through the hiring of co-inventor Mr. Coley in January of 1995. Upon his hiring, Mr. Coley set about to construct the data center necessary to host the web site. In February 1995, Mr. Coley then began writing the code that ultimately resulted in the reduction to practice of the GolfUSA site that embodied the invention as claimed. Thus, the inventors exercising due diligence after conceiving of the invention prior to the filing date of the Dozier reference.

As can be seen from the attached declaration and exhibits, the GolfUSA site actually existed and worked for its intended purpose by at least May of 1995.

Applicant respectfully submits that the attached declaration and exhibits provide satisfactory factual evidence of the conception and subsequent reduction to practice of the invention as claimed prior to the effective date of the cited art per MPEP 715.07.

In light of the submitted declaration, it is respectfully submitted that the Dozier reference is no longer available under 35 U.S.C. §102(a)(e), or 35 U.S.C. §103(a). See MPEP 715.

The attached declaration shows the conception and diligent reduction to practice of the subject matter as claimed in the independent claims. It is respectfully submitted that the independent claims are now in a condition for allowance. Furthermore, it is believed that claims dependent therefrom are also in a condition for allowance for at least the reason of being dependent from an allowable base claim. Accordingly, Applicant believes that all pending claims are in a condition for allowance.

Applicant respectfully traverses this rejection, and requests reconsideration of the pending claims.

If the Examiner has any questions regarding this application or this response, the Examiner is personally invited to telephone the undersigned at 775-848-5624.

Respectfully submitted,
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